

**REMARKS**

Claims 20-49 are all the claims pending in the application.

Initially, the undersigned attorney would like to thank Supervisory Patent Examiner Banks-Harold and Examiner Daniel for the courtesies extended during the personal interview of November 10, 2004. As indicated in the Interview Summary Record, Applicant is submitting the following remarks in response to the Office Action mailed June 4, 2004.

**I. Prior Art Rejections Under 35 USC §§ 102 & 103.**

In the Office Action, claims 20-21, 25, 28-29, 31, 33-36, 43-44, and 46-49 were rejected under 35 USC §102(b) as being anticipated by Takala (WO 99/53699). Claims 22-23, 26-27, 37-38 and 41-42 were rejected under 35 USC §103 as being obvious over Takala in view of Alperovich et al. Claims 24 and 29 were rejected under 35 USC § 103 as being unpatentable over Takal in view of Patil. In addition, claims 30, 32 and 45 were rejected under 35 USC § 103 as being obvious from Takala in view of Lohtia et al.

Applicant respectfully traverses these 35 USC §§ 102 and 103 rejections for the following reasons.

**A. None of the Prior Art Teaches a Handling Instruction For Storing SMS Messages**

Claims 20 and 35 are the independent claims in this application. Each of claims 20 and 35 recite a method/system for identifying an SMS message for a message receiver, determining whether the message receiver has set up an alternative handling instruction for handling SMS messages, and if such an alternative handling instruction has been set up, then executing the alternative handling instruction. Independent claims 20 and 35 also recite that the set up

handling instruction includes a saving instruction for saving SMS messages in a personalized folder for the message receiver.

As set forth on page 4 of the outstanding Office Action mailed June 4, 2004, it is the Examiner's position that Takala teaches a handling instruction including a saving instruction for saving SMS messages in an electronic calender. Specifically, the Office Action cites to page 6, lines 12-36 and page 7, 14-36 of Takala for this alleged teaching. Applicant respectfully requests the Examiner to reconsider and withdraw the prior art rejections of record because there is no teaching in Takala that suggests the claimed handling instruction for saving SMS messages in a personalized folder for a message receiver.

As described on page 6 and shown in Fig. 1, the Takala system includes a network 1 including a mobile services switching center MSC, a short-message service center SMSC and an electronic mail service base 6. Regarding storing SMS messages, Takala teaches that "the short-message service center SMSC for the reception, delivery and storage of short messages". Takala also teaches storing electronic mail messages. Page 6, lines 12-16. Thus, Takala teaches that the short-message service center SMSC stores SMS messages. This appears to be no different from the SMSC 14 described in the present application, which also stored SMS messages in order to query and process same. As shown in Fig. 1 and the flow chart of Fig. 2 of the present application, the SMSC 14 intercepts the SMS message in order to query and process the SMS message. However, as shown, for example, in Fig. 1, the SMSC 14 is different from the message receiver 12. Moreover, in contrast to the SMSC described in Takala and in the present application, independent claims 20 and 35 each recites a handling instruction for storing SMS messages for a message receiver, and further recites that the handling instruction stores the SMS

messages in a personalized folder. Although the SMSC in Takala receives and stores SMS messages (as does the SMSC 14 shown in Fig. 1 of the subject application), there is no teaching in Takala of an alternative handling instruction for storing SMS message for a message receiver even generally, let alone a handling instruction for storing SMS messages in a personalized folder for the message receiver, as also recited in independent claims 20 and 35.

As noted in the Office Action, Takala also teaches a calendar database 3 containing information about the subscriber B. Specifically, Takala teaches an answering server 2 that identifies the B-subscriber from the user database 5 and then uses the information stored in the B-subscriber's calendar database 3 to "generate "a short message response to the A-subscriber. The information in the calendar database 4 is sorted into different fields, each containing different information about the B-subscriber regarding his/her schedule, appointments, substitutes, etc... Page 7, lines 24-36. Thus, Takala teaches using information in the subscriber's calendar data base in order to "generate" an SMS message. See, page 7, line28. Independent claims 20 and 35 recite a handling instruction for storing an SMS message for a message receiver in a personalized folder, not generating a new SMS message as taught by Takala. There is simply no teaching in the calendar database or anywhere else in Takala of a handling instruction for storing SMS messages in a personalized folder for a message receiver.

As is apparent, independent claims 20 and 35 recite features not taught in Takala. Specifically, there is no teaching in Takala or any other cited reference of an alternative handling instruction for storing SMS messages in a personalized folder for a message receiver. For this reason, Applicant respectfully submits that claims 20 and 35 define patentable subject matter.

Claims 21-34 dependent on claim 20, and claims 36-49 depend on claim 35.

Dependent claims 21-34 and 36-49 recite patentable subject matter for at least the reasons set forth above for independent claims 20 and 35.

## **II. Rejection Under 35 USC § 112, first paragraph.**

Claims 27 and 42 were rejected under 35 USC § 112, first paragraph. Specifically, the Office Action indicates on page 3 thereof that “wherein undelivered SMS messages are deleted after expiration of a predetermined amount of time” is not supported by the specification. Applicant respectfully traverses this rejection for the following reasons.

Applicant respectfully submits that page 6 of the specification clearly supports the subject matter recited in claims 27 and 42. Specifically, page 6 of the specification teaches that “Other automatic-handling features include: Automatic SMS forwarding, and pre-configured automatic deletion of undelivered messages. Undelivered messages refer to messages that are kept in the hand-set, such as draft messages that have not yet been sent, or expired (time-limited) messages that are no longer relevant to send.” Emphasis added. Consequently, the specification does adequately support the claimed subject matter of deleting undelivered SMS message after a predetermined expired time. Consequently, the Examiner is respectfully requested to reconsider and withdraw this 112, first paragraph, rejection of record.

## **III. Drawings Objection**

Fig. 2 was objected to because “ref. (1035) is not included in the specification. By this Amendment, Applicant has herein amended the specification to include reference numerals identified in Fig. 2. Reconsideration and withdrawal of this drawing objection is respectfully requested.

**IV. Claim Objection**

By this Amendment, Applicant has herein amended claim 21 in accordance with the Examiner's suggestion. Reconsideration and withdrawal of this objection is respectfully requested.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objections and rejections, allow all of the pending claims and find this application in allowable condition. In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

*Eric Halbu Reg. No. 46,378*

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

*for* \_\_\_\_\_  
William H. Mandir  
Registration No. 32,156

Date: November 12, 2004